UNITED NATIONS **A**

General Assembly

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A/RES/48/28
11 January 1994

Forty-eighth session
Agenda item 36

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/48/L.40 and Add.1)]

48/28. Law of the sea

The General Assembly,

Recalling its previous resolutions, including resolution 47/65 of 11 December 1992, on the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 1/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

Recalling that the Convention provides the regime to be applied to the Area and its resources,

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1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

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Recalling with satisfaction the expressions of willingness to explore all possibilities of addressing issues of concern to some States in order to secure universal participation in the Convention, 2/

Noting that the sixtieth instrument of ratification of, or accession to, the Convention was deposited on 16 November 1993 and that, as a consequence, the Convention shall enter into force twelve months after the date of deposit of that instrument,

Recognizing the need for cooperation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, 3/

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration of six pioneer investors and the designation by the Preparatory Commission of reserved areas for the International Seabed Authority from the application areas submitted by the pioneer investors pursuant to resolution II, bearing in mind that such registration entails both rights and obligations for pioneer investors,

Noting also the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal regime established by the Convention,

Concerned that the developing countries are as yet unable to take effective measures for the full realization of these benefits owing to the lack of resources and of the necessary scientific and technological capabilities,

Recognizing the need to enhance and supplement the efforts of States and competent international organizations aimed at enabling developing countries to acquire such capabilities,

Recognizing also that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Deeply concerned at the current state of the marine environment,

Mindful of the importance of the Convention for the protection of the marine environment,

Noting with concern the use of fishing methods and practices, including those aimed at evading regulations and controls, which can have an adverse impact on the conservation and management of living marine resources,

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2/ See A/44/650 and Corr.1, paras. 156 and 158.

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

Considering the need for effective and balanced conservation and management of living marine resources, giving full effect to the relevant provisions in the Convention,

Taking note of activities carried out in 1993 under Programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, as revised, 4/ taking into account the restructuring of the Secretariat of the Organization, and of the report of the Secretary-General, prepared pursuant to paragraph 21 of General Assembly resolution 47/65, 5/

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and sixty ratifications or accessions, and notes that, as a consequence, the Convention will enter into force on 16 November 1994;

3. Invites all States to make renewed efforts to facilitate universal participation in the Convention;

4. Notes with appreciation the new developments and the active participation of States in the consultations under the auspices of the Secretary-General aimed at promoting dialogue and at addressing issues of concern to some States in order to achieve universal participation in the Convention; 6/

5. Also invites all States to participate in the consultations held under the auspices of the Secretary-General and to increase efforts to achieve universal participation in the Convention as early as possible;

6. Recognizes that political and economic changes, including particularly a growing reliance on market principles, underscore the need to re-evaluate, in the light of the issues of concern to some States, 7/ matters in the regime to be applied to the Area and its resources, and that a productive dialogue on such issues involving all interested parties would facilitate the prospect of universal participation in the Convention, for the benefit of mankind as a whole;

7. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date, and also calls upon all States to take appropriate steps to promote universal participation in the Convention, including through dialogue aimed at addressing the issues of concern to some States;

4/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 6 (A/47/6/Rev.1), vol. I.

5/ A/48/527 and Add.1.

6/ See A/48/527, paras. 8-15.

7/ Ibid., para. 10.

8. Also calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose;

9. Calls upon States to observe the provisions of the Convention when enacting their national legislation;

10. Notes the progress made by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea in all areas of its work, including the completion of its draft provisional final report at its eleventh session;

11. Recalls the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States adopted by the Preparatory Commission on 30 August 1990, 8/ as well as the understandings adopted on 12 March 1992 9/ and 18 August 1992; 10/

12. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of Programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, and requests him, in the execution of Programme 10, to continue to provide an effective response to the increased needs of States for assistance in the implementation of the Convention;

13. Also expresses its appreciation to the Secretary-General for the report prepared pursuant to paragraph 21 of General Assembly resolution 47/65 5/ and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal regime of the sea;

14. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal regime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to cooperate and enhance assistance in these endeavours;

15. Urges interested Member States, in particular States with advanced marine capabilities, to review relevant policies and programmes in the context of the integration of the marine sector in national development strategies, and to explore prospects for intensifying cooperation with developing countries, including those of regions active in this field;

16. Requests the competent international organizations, the United Nations Development Programme, the World Bank and other multilateral funding agencies, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the

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8/ LOS/PCN/L.87, annex.

9/ LOS/PCN/L.102, annex.

10/ LOS/PCN/L.108, annex.

comprehensive legal regime established by the Convention and to strengthen cooperation among themselves and with donor States in the provision of such assistance;

17. Requests the Secretary-General to keep under review, in cooperation with States and the competent international organizations, the measures being undertaken and any necessary follow-up action, in order to facilitate the realization by States of the benefits of the comprehensive legal regime established by the Convention, and to report thereon periodically to the General Assembly;

18. Recognizes that the protection of the marine environment will be significantly enhanced by the implementation of applicable provisions of the Convention;

19. Reiterates its call to States and other members of the international community to strengthen their cooperation and to take measures with a view to giving full effect to the provisions in the Convention on the conservation and management of living marine resources, including the prevention of fishing methods and practices which can have an adverse impact on the conservation and management of living marine resources and, in particular, to comply with bilateral and regional measures applicable to them aimed at effective monitoring and enforcement;

20. Requests the Secretary-General to continue and to accelerate the consultations in order to achieve universal participation in the Convention as early as possible and to provide the necessary services for these consultations, the next meeting of which will take place from 31 January to 4 February 1994;

21. Also requests the Secretary-General to provide for the convening of the twelfth regular session of the Preparatory Commission at Kingston from 7 to 11 February 1994, during which arrangements will be made for meetings of the Training Panel, and, if necessary, to provide for a further meeting of up to two weeks during the summer in New York;

22. Takes note of the decision of the Preparatory Commission to convene a meeting of the Group of Technical Experts to review the state of deep seabed mining and to make an assessment of the time when commercial production may be expected to commence; 11/

23. Notes the need to make arrangements for the first meeting of the Assembly of the International Seabed Authority and a meeting of States parties to the Convention, if required, including arrangements for the participation of observers;

11/ LOS/PCN/L.87, annex, para. 12.

24. Further requests the Secretary-General to report to the General Assembly at its forty-ninth session, and earlier if appropriate, on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;

25. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Law of the sea".

73rd plenary meeting
9 December 1993

UNITED NATIONS

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General Assembly

Distr.
GENERAL

A/RES/48/29
24 January 1994

Forty-eighth session
Agenda item 139

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/48/608)]

48/29. United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling paragraph 17 of its resolution 46/50 of 9 December 1991, paragraph 1 of section IV of the annex to its resolution 45/40 of 28 November 1990 and paragraph 1 of section IV of the annex to its resolution 47/32 of 25 November 1992,

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law 1/ and the guidelines and recommendations on future implementation of the Programme within the framework of the United Nations Decade of International Law, which were adopted by the Advisory Committee on the Programme and are contained in section III of that report,

Bearing in mind that the encouragement of the teaching, study, dissemination and wider appreciation of international law is one of the main objectives of the United Nations Decade of International Law, as declared in its resolution 44/23 of 17 November 1989 and further expanded in section IV of the programme for the activities to be commenced during the first term (1990-1992) of the Decade, which is contained in the annex to resolution 45/40, and in section IV of the programme for the activities for the second term (1993-1994) of the Decade, contained in the annex to resolution 47/32,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

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1/ A/48/580.

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Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming its resolutions 2464 (XXIII) of 20 December 1968, 2550 (XXIV) of 12 December 1969, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated or recalled that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolutions 34/144 of 17 December 1979, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989 and 46/50, in which, in addition, it expressed or reaffirmed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

1. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General, 1/ and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular those designed to achieve the best possible results in the administration of the Programme within a policy of maximum financial restraint;

2. Authorizes the Secretary-General to carry out in 1994 and 1995 the activities specified in his report, including the provision of:

(a) A number of international law fellowships in both 1994 and 1995, to be determined in the light of the overall resources for the Programme and to be awarded at the request of Governments of developing countries;

(b) A minimum of one scholarship in both 1994 and 1995 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to the fellowship fund;

(c) Subject to the overall resources for the Programme, assistance in the form of a travel grant for one participant from each developing country, who would be invited to possible regional courses to be organized in 1994 and 1995;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 14, 15, and 16 below;

3. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme in 1992 and 1993, in particular for the

organization of the twenty-eighth 2/ and twenty-ninth 3/ sessions of the International Law Seminar, held at Geneva from 1 to 19 June 1992 and 1 to 18 June 1993, respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea;

4. Requests the Secretary-General to consider the possibility of admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

5. Also requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions for regional, subregional or national courses, as against courses organized within the United Nations system;

6. Welcomes, in particular, the publication, in a single volume and in all official languages of the Organization, of the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1948-1991), 4/ carried out through the joint efforts of the Codification Division of the Office of Legal Affairs and its secretariat for the Programme of Assistance and of the Registry of the International Court of Justice;

7. Invites interested States to consider the option of financing the translation and publication of the Judgments of the International Court of Justice;

8. Welcomes the efforts undertaken by the Office of Legal Affairs of the Secretariat to bring up to date the United Nations Treaty Series and the United Nations Juridical Yearbook;

9. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme through the activities described in the report of the Secretary-General;

10. Also expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme, through the activities described in the report of the Secretary-General;

11. Further expresses its appreciation to the Hague Academy of International Law for the valuable contributions it has made to the Programme by enabling selected candidates under the international law fellowship programme to attend its annual international law courses and by providing

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2/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10), chap. V, sect. H.

3/ Ibid., Forty-eighth Session, Supplement No. 10 (A/48/10), chap. VI, sect. E.

4/ ST/LEG/SER.F/1 (United Nations publication, Sales No. E.92.V.5).

facilities for seminars organized under the fellowship programme in international law in conjunction with the Academy courses and for its constructive efforts in organizing the regional training and refresher course held at Harare in 1993;

12. Notes with appreciation the contributions made by the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of and, if possible, an increase in their financial contributions in order to enable it to carry on with the above-mentioned activities, in particular the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

13. Urges all States and relevant international organizations, whether regional or universal, to make all possible efforts to implement the goals and carry out the activities contemplated in section IV of the programme of activities for the second term (1993-1994) of the United Nations Decade of International Law, dealing with the encouragement of the teaching, study, dissemination and wider appreciation of international law and contained in the annex to its resolution 47/32;

14. Requests the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

15. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, for the fellowship programme in international law and for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

16. Urges in particular all Governments to make voluntary contributions for the organization of regional refresher courses in international law by the United Nations Institute for Training and Research, especially with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue to organize the regional courses;

17. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the Programme during 1994 and 1995 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years;

18. Decides to include in the provisional agenda of its fiftieth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

73rd plenary meeting
9 December 1993